

October 18, 2021

VIA ECF

Hon. Lorna G. Schofield
United States Magistrate Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: Global Gaming Philippines, LLC v. Razon, Jr., et al., 21 Cv. 2655 (LGS)

Dear Judge Schofield:

Pursuant to the Civil Case Management Plan and Scheduling Order (ECF No. 51), the parties provide this joint status letter.

On June 17, 2021, the Court referred this action to Magistrate Judge Netburn for general pretrial purposes, including scheduling, discovery, non-dispositive pre-trial motions, and settlement. (Dkt. 90.) Accordingly, it is unclear whether these status letters are helpful and whether your Honor wants to receive a status letter each month. The parties will continue submitting a letter each month unless the Court directs otherwise.

Attached to this letter are two schedules providing the information required by Your Honor's Individual Rules, part IV.A.2(a) and (b):

- Schedule A lists the discovery propounded by the parties, the dates, the responses that have been served, and the volume of documents produced.
- Schedule B presents the procedural history of the case, including pleadings filed, motions filed, and which motions are currently pending.

As required by Your Honor's Individual Rule IV.A.2(c), the parties' plans to meet the Court-ordered discovery deadlines are described below. We note, in this regard, that Magistrate Judge Netburn extended the fact discovery deadline by 4 months, to February 11, 2022. (Dkt. 162.)

Plaintiff's Statement

Current Status

Plaintiff continues to work diligently to meet the recently extended fact discovery deadline. The parties continue to meet-and-confer to resolve some issues, and have raised multiple discovery disputes with Magistrate Judge Netburn. On Friday, October 15, the parties filed a joint status letter to Judge Netburn identifying the outstanding document discovery issues in detail. (Dkt. 171.)

Other Outstanding Discovery Issues

1. Plaintiff's Discovery of Defendants

- a. Plaintiff has sought judicial intervention with respect to certain discovery taken of Defendants as described in the parties' October 15 joint letter to Magistrate Judge Netburn. (Dkt. 171.)

2. Non-Party Discovery

- a. Letters Rogatory. At Plaintiff's request, on July 22, 2021, this Court issued Letters Rogatory for discovery in the Philippines of (A) Hans Sicat, the former president of the Philippines Stock Exchange, for documents and deposition testimony; and (B) the Philippines Stock Exchange, Inc. ("PSE"), for documents. On July 30, 2021 the letters were delivered to the U.S. Department of State. The website for the U.S. Department of State states: "[e]xecution of letters rogatory may take a year or more."¹ Plaintiff has not received notification from the State Department or any authority in the Philippines about the status of the Letters Rogatory.

3. Plaintiff's Additional Investigation.

- a. Plaintiff continues its investigation. As Defendants continue to produce documents, Plaintiff expects to be issuing additional requests and possibly additional subpoenas.

4. Plaintiff's Responses to Defendants' Discovery.

- a. The vast majority of Defendants' discovery requests are resolved, either by agreement or court order denying their motions to compel. Defendants are pressing for certain additional documents, and the unresolved requests have been described in the parties' October 15 joint letter to Magistrate Judge Netburn. (Dkt. 171.)

5. Depositions. The parties have not begun scheduling depositions.

Defendants' Statement

Current Status

Defendants continue to work diligently to meet the recently extended fact discovery deadline. The parties continue to meet-and-confer to resolve some issues, and have raised multiple discovery disputes with Magistrate Judge Netburn. On Friday, October 15, the parties filed a joint status letter to Judge Netburn identifying the outstanding document discovery issues in detail. (Dkt. 171.)

¹ <https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/international-judicial-assistance/obtaining-evidence/Preparation-Letters-Rogatory.html> (last viewed July 16, 2021).

Other Outstanding Discovery Issues

1. Defendants' Discovery of Plaintiff

- a. Defendant has sought judicial intervention with respect to certain discovery taken of Plaintiff as described in the parties' October 15 joint letter to Magistrate Judge Netburn. (Dkt. 171.)

2. Plaintiff's Additional Investigation

- a. Plaintiff states that "[a]s Defendants continue to produce documents, Plaintiff expects to be issuing additional requests and possibly additional subpoenas." Plaintiff has not informed Defendants what, if any, additional document requests or subpoenas it plans issue.

Respectfully submitted,

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SCHEDULE A
DISCOVERY PROPOUNDED BY THE PARTIES

Propounded by	Type	To	Sent²	Responses
Plaintiff	Subpoena	Non-party Ahmad Atwan	April 28	Atwan produced 26,842 pages, which Plaintiff provided to Defendants on May 28. Atwan then produced an additional 14 pages, which Plaintiff provided to Defendants on June 4.
Plaintiff	Local Civil Rule 26.1 Demands	All Original ³ Defendants (i.e., Razon, BRHI, SPI, the Energy Entities, and the Real Estate Entities)	May 13	BRHI and SPI served responses on May 20. The other Defendants served responses on May 27.
Plaintiff	First Set of Requests for Production	The Energy Entities and the Real Estate Entities ⁴	Emailed May 6; Mailed May 13	Written responses and objections were served on June 17. Amended Responses were served by the Energy Entities (except CICL) on July 16.
Plaintiff	First Set of Requests for Production	BRHI, SPI, and Razon	Emailed and Mailed May 26	Written responses and objections (including to 118 requests served on Mr. Razon) were served on June

² All dates in this chart are in the year 2021.

³ A new party, Defendant Collingwood Investment Company Limited (“CICL”) was added in the First Amended Complaint, filed June 13, 2021.

⁴ Plaintiff defines the “Energy Entities” as Defendants Collingwood Investment Company Limited, Collingwood Oil & Gas Holdings, LLC, Collingwood USA, Inc., Collingwood Brookshire USA, Inc., and Collingwood Appalachian Minerals, LLC. The “Real Estate Entities” are 11 Essex Street Realty LLC, Asia Arrow Limited, Bowery Bay LLC, Campanilla LLC, Ensara LLC, Fesara LLC, Nozar LLC, and Rizolina LLC.

Propounded by	Type	To	Sent²	Responses
				17, 11 days before their due date under the Federal Rules.
Plaintiff	First Set of Requests for Admissions	The Energy Entities and the Real Estate Entities	Emailed May 6; Mailed May 13	Responses and objections were served on June 17. The Real Estate entities served amended responses and objections on July 29.
Plaintiff	First Set of Requests for Admissions	BRHI, SPI, and Razon	Emailed and Mailed May 26	Responses and objections were served on June 21. Razon served revised responses on August 26.
Plaintiff	First Set of Interrogatories	All Original Defendants	June 4	BRHI, SPI, and the Collingwood Defendants served responses on June 29. Razon and the Real Estate Entities served responses on June 30.
Plaintiff	Second Set of Requests for Production	BRHI, SPI, and Razon	Emailed and Mailed June 4	Written responses and objections were served on June 17.
Plaintiff	First Set of Requests for Admissions	CICL	Received by CICL via email on July 1	Written responses and objections were served on July 23.
Plaintiff	First Set of Requests for Production	CICL	Received by CICL via email on July 1	Written responses and objections were served on July 23.
Plaintiff	First Set of Interrogatories	CICL	Received by CICL via email on July 1	Written responses and objections were served on July 23. Supplemental responses were served on August 26.

Propounded by	Type	To	Sent²	Responses
Plaintiff	Local Civil Rule 26.1 Demand	CICL	Emailed on July 6	Response served on July 15.
Plaintiff	Subpoena	Demetri Argyropoulos	Served on secretary at place of business in California on June 15	Mr. Argyropoulos's attorney has disputed service of process. Plaintiff is trying to reach a resolution of the issues without the need for motion practice.
Plaintiff	Subpoena	Source Rock Minerals, LLC	Served on registered agent on June 24	Mr. Argyropoulos's attorney has disputed service of process. Plaintiff is trying to reach a resolution of the issues without the need for motion practice.
Plaintiff	Letters Rogatory	Hans Sicat	Motion for issuance is pending (ECF No. 116)	
Plaintiff	Letters Rogatory	Philippine Stock Exchange, Inc.	Motion for issuance is pending (ECF No. 116)	
Plaintiff	Subpoena	Bank of America	Served on September 1	Bank of America provided documents to Plaintiff on September 16.
BRHI and Suresete	First Set of Requests for Production	Plaintiff	June 4	Written responses and objections were served on June 24.

Propounded by	Type	To	Sent²	Responses
				Plaintiff began its document productions to all Defendants early on June 17 and has made five total productions, as outlined below.
Energy Entities	First Set of Requests for Production	Plaintiff	June 4	Written responses and objections were served on June 24.
Razon and Real Estate Entities	First Set of Requests for Production	Plaintiff	June 4	Written responses and objections were served on June 24.
Collingwood USA, Inc.	First Set of Interrogatories	Plaintiff	June 4	Responses and objections were served on July 7.
Razon and Real Estate Entities	First Set of Interrogatories	Plaintiff	June 4	Responses and objections were served on July 7.
Collingwood Investment Company Limited	First Set of Requests for Production	Plaintiff	October 4	Responses and objections are due November 3.

To date, Plaintiff has produced 34,838 documents (446,908)). On June 17, Plaintiff produced 16,613 documents (50,991 pages); on June 29, Plaintiff produced 107 documents (7,496 pages); on July 7, Plaintiff produced 9,302 documents (40,994 pages); on July 13, Plaintiff produced 165 documents (1,186 pages); on July 27, Plaintiff produced 333 documents (2,080 pages); on July 31 Plaintiff produced 5,273 documents (264,059 pages); and on August 9, Plaintiff produced 3,044 documents (80,081 pages); on September 1, Plaintiff produced one document (one page).

To date, Defendants have produced 17,440 documents (151,638 pages).

**SCHEDULE B
PROCEDURAL HISTORY**

1. Pleadings filed:

- a. Complaint – filed by Plaintiff on March 29, 2021;
- b. First Amended Complaint – filed by Plaintiff on June 13, 2021 (ECF No. 85).

2. Motions filed:

- a. 3/31/2021 – Plaintiff’s Emergency Motion for Temporary Restraining Order;
- b. 5/3/2021 – Motion of All Original Defendants to stay discovery;
- c. 5/24/2021 – Motion to substitute attorney (filed by Defendants Collingwood Oil & Gas Holdings, LLC, Collingwood USA, Inc., and Collingwood Appalachian Minerals, LLC (“Collingwood Defendants”));
- d. 5/24/2021 – Motion for reconsideration of denial of motion to stay discovery (filed by Collingwood Defendants);
- e. 5/27/2021 – Motion to substitute attorney (filed by Defendants Enrique K. Razon, Jr. (“Razon”) and 11 Essex Street Realty LLC, Asia Arrow Limited, Bowery Bay LLC, Campanilla LLC, Ensara LLC, Fesara LLC, Nozar LLC, Enrique K. Razon, Jr., Rizolina LLC (the “Real Estate Entities”));
- f. 6/3/2021 – Motion for Discovery Deadline for Defendants to Produce Responsive Documents (filed by Plaintiff) (ECF No. 76);

- g. 6/23/2021 - Motion to stay discovery (filed by Defendant Collingwood Investment Company Limited) (ECF No. 93);
- h. 7/2/2021 – Motion to withdraw as attorney (filed by Defendants Bloomberry Resorts and Hotels, Inc. and Sureste Properties, Inc.) (ECF No. 100);
- i. 7/9/2021 – Motion to compel Plaintiff to produce documents (filed by the Collingwood Defendants) (ECF No. 102);
- j. 7/9/2021 – Motion to compel Plaintiff to produce documents (filed by Defendants Razon and the Real Estate Entities) (ECF No. 103);
- k. 7/9/2021 – Motion to compel Plaintiff to produce documents (filed by Defendants Bloomberry Resorts and Hotels, Inc. and Sureste Properties, Inc.) (ECF No. 104);
- l. 7/9/2021 – Motion to compel Defendants Bloomberry Resorts and Hotels, Inc. and Sureste Properties, Inc. to produce documents (filed by Plaintiff) (ECF No. 109);
- m. 7/9/2021 – Motion to compel the Collingwood Defendants to produce documents (filed by Plaintiff) (ECF No. 110);
- n. 7/9/2021 – Motion to Seal (filed by Plaintiff) (ECF No. 111);
- o. 7/9/2021 – Motion to compel Razon to produce documents and to determine the sufficiency of Razon’s answers and objections to requests for admission (filed by Plaintiff) (ECF No. 112);

- p. 7/9/2021 – Motion to compel the Real Estate Entities to produce documents and to determine the sufficiency of their answers and objections to requests for admission (filed by Plaintiff) (ECF No. 113);
 - q. 7/13/2021 – Motion for Issuance of Letters Rogatory;
 - r. 7/15/2021 – Motion to Dismiss (filed by all Defendants) (ECF No. 117);
 - s. 9/8/2021 – Letter Motion for Extension of Time to Complete Discovery (filed by Plaintiff) (ECF No. 149).
 - t. 9/13/2021 – Opposition to Plaintiff’s Letter-Motion to Extend Time to Complete Discovery and Counterproposal to Extend Certain Discovery for Two Months and Stay Other Discovery (filed by Defendants) (ECF No. 151).
 - u. 9/24/2021 – Letter Motion for Extension of time to run a search terms report and provide Plaintiff with a hit count (filed by Defendants) (ECF No. 163)
 - v. 9/30/2021 – Debtor Defendants’ Motion Objecting to the Magistrate Judge’s Order Denying their Motion to Compel (filed by Defendants) (ECF No. 165)
3. The following motions are currently pending:
- a. Motion to dismiss filed by all Defendants (ECF No. 117).